

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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J D, a minor  
by Tushumi Turner, Guardian,

Plaintiff,

v.

Case No. 08-C-0069

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

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DECISION AND ORDER GRANTING DEFENDANT'S UNOPPOSED MOTIONS FOR  
EXTENSION OF TIME (DOCS. ## 26, 28), AND GRANTING PLAINTIFF'S MOTION  
FOR ATTORNEY'S FEES PURSUANT TO THE EAJA (DOC. # 23)

On June 22, 2010, plaintiff filed a motion for attorney's fees pursuant to the Equal Access to Justice Act. Defendant filed two unopposed motions to extend the time to respond to the plaintiff's request but did not object to the award of fees in the sum of \$8,125.13. However, defendant objects to any order that would award the fees directly to counsel pursuant to an assignment in the fee agreement citing *Astrue v. Ratliff*, 130 S. Ct. 2521, 177 L. Ed. 2d 91 (2010) (holding that the EAJA award is payable to the litigant, not the litigant's attorney, and is subject to offset to satisfy a pre-existing debt that the litigant owes the United States). Consequently, the court having considered the submissions of the parties, the appearance that the position of the United States respecting the plaintiff's claim was not substantially justified and the absence of any special circumstances which would make the award of attorney's fees unjust,

IT IS ORDERED that plaintiff is awarded attorney's fees in the amount of \$8,125.13 pursuant to the Equal Access to Justice Act.

IT IS FURTHER ORDERED that defendant's motions for extensions of time are granted. (Docs. ## 26, 28.) Defendant's response is deemed timely filed.

Dated at Milwaukee, Wisconsin, this 21st day of October, 2010.

BY THE COURT

/s/ C. N. Clevert, Jr.  
C. N. CLEVERT, JR.  
CHIEF U. S. DISTRICT JUDGE